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Letter dated 11 January 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2007 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and its annex were to be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) R.M. Marty M. **Natalegawa**
Chairman
Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

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Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

A. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2007.

2. For 2007, the Bureau of the Committee consisted of Jorge Voto-Bernales (Peru) as Chairman, with the delegations of Indonesia and Qatar serving as Vice-Chairmen.

B. Background

3. By paragraph 20 of its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not party to the Global and All-Inclusive Agreement in the Democratic Republic of the Congo. The Council also provided for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to report to the Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in North and South Kivu and Ituri.

4. By its resolution 1533 (2004), the Security Council established the Committee, inter alia, (a) to seek information from States regarding implementation of the arms embargo; (b) to examine and take action on alleged violations; (c) to report to the Council on ways to strengthen the arms embargo; (d) to consider a list of those found to have violated the measures imposed by the Council in paragraph 20 of its resolution 1493 (2003) with a view to submitting recommendations to the Council for possible future measures; and (e) to receive notifications in advance from States made under paragraph 21 of resolution 1493 (2003) and to decide, if need be, upon any action to be taken.

5. By paragraph 10 of its resolution 1533 (2004), the Security Council requested the Secretary-General, in consultation with the Committee, to establish a Group of Experts to undertake a series of tasks related to the monitoring of the arms embargo, as set out in the resolution. The Group of Experts was re-established or extended for six successive mandates pursuant to resolutions 1552 (2004), 1596 (2005), 1616 (2005), 1654 (2006), 1698 (2006) and 1771 (2007).

6. By its resolution 1596 (2005), the Security Council extended the arms embargo to any recipient in the territory of the Democratic Republic of the Congo, with exemptions including the army and police of the Democratic Republic of the Congo, under conditions set out in the resolution. The Council also imposed travel restrictions and an assets freeze on persons and entities acting in violation of the arms embargo. By the same resolution, the Council decided to extend the mandate of the Group of Experts, with the addition of a fifth finance expert and with a

broader mandate in connection with the measures set out in paragraphs 6, 10, 13 and 15 of the resolution.

7. By its resolution 1616 (2005), the Council renewed the arms embargo, travel restrictions and assets freeze until 31 July 2006. By its resolution 1649 (2005), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo or Congolese militias receiving support from abroad that impede the participation of their combatants in disarmament, demobilization and reintegration processes, to take effect on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo was being completed.

8. By its resolution 1698 (2006), the Council renewed until 31 July 2007 the arms embargo as well as travel and financial restrictions on individuals designated by the Committee in accordance with the criteria set out in resolutions 1596 (2005) and 1649 (2005). In its resolution 1698 (2006), the Council extended the travel and financial measures to political and military leaders recruiting or using children in armed conflict, and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. In addition to the tasks outlined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), the Council requested the Group of Experts, whose mandate was extended under resolution 1698 (2006) for a period expiring on 31 July 2007, to recommend feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups in the eastern part of the Democratic Republic of the Congo. In paragraph 8 of its resolution 1698 (2006), the Council also requested the Secretary-General to present before 15 February 2007, in close consultation with the Group of Experts, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of the possible measures referred to in paragraph 6 of the resolution.

9. By its resolution 1771 (2007), the Council decided to renew the measures on arms imposed under resolutions 1493 (2003) and 1596 (2005) for a period expiring on 15 February 2008. In connection with the arms embargo, the Council decided to renew the exemptions for units of the army and police of the Democratic Republic of the Congo, provided that conditions specified in paragraph 2 (a), (b) and (c) of the resolution were met. In addition, in paragraph 3 of its resolution 1771 (2007), the Council decided to authorize an exemption for technical training and assistance agreed to by the Government of the Democratic Republic of the Congo and intended solely for support of units of the Democratic Republic of the Congo army and police that were in the process of integration in the provinces of North and South Kivu and the Ituri district.

10. By paragraph 4 of its resolution 1771 (2007), the Council decided that the conditions specified in paragraph 4 of resolution 1596 (2005), as now applied to the Government, should apply to supplies of arms and related materiel as well as technical training and assistance which are consistent with the exemptions described in paragraph 9 above, and noted in this regard that States had an obligation to notify the Committee in advance of such supplies. The Council also decided to renew the measures on transport and travel and finance in accordance with resolutions

1596 (2005), 1649 (2005) and 1698 (2006), and to review, no later than 15 February 2008, the measures concerning the arms embargo, transport, travel and financial bans, in the light of the consolidation of the security situation and the processes of integration of armed forces and reform of the national police in the Democratic Republic of the Congo.

C. Summary of the activities of the Committee

11. During the reporting period, the Committee held a total of 16 informal consultations.

12. On 24 January 2007 the Group of Experts, extended pursuant to resolution 1698 (2006), presented its interim report to the Committee (S/2007/40) in accordance with paragraph 4 of the resolution, and the Committee held an exchange of views on the observations and recommendations contained in the report, as well as the request of the Council for further recommendations on feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups and militias in the eastern part of the Democratic Republic of the Congo (para. 6 of resolution 1698 (2006)). The Council's invitation to the Committee to examine the situation in Kinshasa, pursuant to presidential statement S/PRST/2006/40, was also considered. The Committee requested the Group of Experts to present a second interim report by the end of April 2007. The Chairman of the Committee introduced the interim report of the Group of Experts (S/2007/40) during the informal consultations of the Security Council on 20 February 2007.

13. Also during the informal meeting of the Committee of 24 January 2007, members held a preliminary exchange of views on the prospect of cooperation with the International Criminal Police Organization (INTERPOL) in pursuance of resolution 1699 (2006) and on the exchange of letters dated 28 and 29 December 2006 between the United Nations and INTERPOL, following which agreement was reached in the Committee to invite the Special Representative of INTERPOL to the United Nations to brief the Committee on 23 February 2007. After a further exchange of views on 23 February, members of the Committee decided to reflect on the matter and revert to it in due course.

14. Pursuant to its consultations on 24 January, the Committee addressed a letter on 16 February 2007 to the Permanent Mission of Uganda to the United Nations in connection with an issue related to cooperation with the Group of Experts. Following further bilateral consultations between the Chairman and the representative of Uganda, the matter was resolved on 22 February 2007.

15. During the reporting period, the Committee updated the list of individuals and entities established pursuant to paragraphs 13 and 15 of resolution 1596 (2005) on four occasions; namely, 6 February (United Nations press release SC/8948),[a] 18 July (SC/9081),[b] 11 September (SC/9112)[c] and 7 November 2007 (SC/9165)[d] in connection with additional information conveyed to the Committee regarding

[a] www.un.org/News/Press/docs/2007/sc8948.doc.htm.
[b] www.un.org/News/Press/docs/2007/sc9081.doc.htm.
[c] www.un.org/News/Press/docs//2007/sc9112.doc.htm.
[d] www.un.org/News/Press/docs//2007/sc9165.doc.htm.

Khawa Panga Mandro, Douglas Mpamo, Ignace Murwanashyaka, Laurent Nkunda, Straton Musoni, Kisoni Kambale and Germain Katanga. Since 2006 the Committee has agreed to use the guidelines of the Committee established pursuant to resolution 1572 (2004)[e] for the updating of its own list.

16. On 23 February 2007, pursuant to a proposal by the President of the Security Council during the Council's informal consultations on 20 February, the Chairman of the Committee proposed to table a discussion of the report of the Secretary-General pursuant to paragraph 8 of resolution 1698 (2006) concerning the Democratic Republic of the Congo, an assessment of the potential economic, humanitarian and social impact on the population of the DRC of the implementation of the possible measures referred to in paragraph 6 of the resolution (S/2007/68). On 13 February 2007, the Chairman of the Group of Experts extended pursuant to resolution 1698 (2006) had addressed a letter to the Chairman of the Committee, stressing the lack of coordination with the Office for the Coordination of Humanitarian Affairs in the preparation of the above-mentioned report. There was no consensus to consider the Secretary-General's report, either on 23 February 2007 or at a subsequent informal meeting of the Committee on 26 April 2007. The Chairman proposed to hold such a discussion when there was consensus in the Committee to do so.

17. On 29 March 2007, the Committee added two individuals (Kambale Kisoni and Straton Musoni) and five entities (Uganda Commercial Impex (UCI) Ltd., Machanga, Butembo Airlines (BAL), Congocom Trading House, and Compagnie Aerienne des Grands Lacs (CAGL)/Great Lakes Business Company (GLBC)) to the list established pursuant to paragraphs 13 and 15 of resolution 1596 (2005), as reflected in a press release (SC/8987) issued on the same date.[f]

18. During its informal consultations on 2 May 2007, the Committee heard a briefing by the Chairman of the Group of Experts extended pursuant to resolution 1698 (2006) concerning the Group's second interim report. The Committee also decided, in the lead-up to the preparation of the final report of the Group of Experts, to renew its invitations of December 2006 to the Permanent Representatives to the United Nations of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda to discuss, with the Chairman of the Group of Experts, the status of the implementation of the measures imposed by the Council in its resolution 1493 (2003), as expanded and renewed in resolutions 1596 (2005) and 1698 (2006).

19. With a view to constructively engaging the neighbouring States and promoting a regional approach in the implementation of the arms embargo and other measures set out in the relevant resolutions, the Committee met on 11 May 2007 with the representatives of the four aforementioned Permanent Missions as well as with a representative of the Department of Peacekeeping Operations and the Chairman of the Group of Experts in order to discuss the status of cooperation with the Group. The Chairman of the Group of Experts offered to convey a checklist to the four Permanent Missions enumerating the details of requests issued by the Group of Experts as well as answers by the four countries, where applicable. These checklists were transmitted on 21 June 2007 by the Chairman of the Group of Experts to the four Permanent Missions and copied to the Committee.

[e] www.un.org/sc/committees/1572/pdf/guidelines_ci_eng.pdf.

[f] www.un.org/News/Press/docs/2007/sc8987.doc.htm.

20. Pursuant to decisions reached by the Committee at informal consultations on 11 May 2007, letters were also addressed by the Chairman to the Permanent Missions to the United Nations of the Central African Republic, the Congo, Equatorial Guinea and Sao Tome and Principe encouraging those missions to answer past requests for information by the Group of Experts.

21. On 13 July 2007, the Chairman of the Group of Experts extended pursuant to resolution 1698 (2006) introduced the Group's final report pursuant to paragraph 4 of the resolution (S/2007/423), and on 18 July 2007 the Committee discussed the observations and recommendations contained in the report. On 23 July 2007, the Chairman of the Committee introduced the report during the informal consultations of the Security Council.

22. Pursuant to its discussion on 18 July 2007, the Committee addressed letters on 6 and 8 August 2007 to the Permanent Missions to the United Nations of Angola, Burundi, the Central African Republic, the Congo, Kenya, Rwanda, the Sudan, the United Republic of Tanzania and Zambia as well as to the Department of Peacekeeping Operations, the International Civil Aviation Organization and the World Customs Organization, drawing attention to relevant recommendations contained in the Group's final report.

23. During the reporting period, the Committee considered a confidential annex conveyed by the Group of Experts extended pursuant to resolution 1698 (2006), which remains under consideration by members of the Committee.

24. Pursuant to its informal consultations on 3 October 2007, the Committee addressed a letter dated 13 November 2007 to the Permanent Representative of the Democratic Republic of the Congo to the United Nations seeking clarification on the list of receiving sites for authorized shipments of military equipment, as designated by the Government in consultation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), in accordance with paragraph 4 of resolution 1771 (2007).

25. On 22 October 2007, the Committee received a letter from the Permanent Mission of the Netherlands to the United Nations notifying the Committee that Germain Katanga (whose name is contained in the Committee's list of individuals and entities) had been surrendered by the Government of the Democratic Republic of the Congo to the International Criminal Court, following an exchange of letters between the Committee and the Netherlands of 13 and 15 March 2006, respectively.

26. On 14 November 2007, the Committee considered a letter dated 1 November 2007 from the Under-Secretary-General for Peacekeeping Operations and its attachment, a report from MONUC on the movement of armament and military equipment within the Democratic Republic of the Congo between 6 August and 11 October 2007, and agreed to convey the letter to the Group of Experts re-established pursuant to resolution 1771 (2007) for further investigation, in close consultation with the authorities of the Democratic Republic of the Congo and other Governments concerned.

27. During its informal consultations of 28 November 2007, the Committee discussed a letter dated 14 November 2007 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations in connection with the Committee's letter dated 13 November 2007 concerning the designation of receiving sites (see para. 24 above), and on the basis of its deliberations, the Committee

addressed a further letter dated 11 December 2007 to the Permanent Representative of the Democratic Republic of the Congo.

28. Over the course of its informal consultations on 23 March, 26 April, 1 June, 3 October and 18 December 2007, the Committee discussed a draft of its guidelines for the conduct of work. In the absence of an agreement on its own guidelines, the Committee on 26 December 2007 agreed to provisionally use the guidelines of the Security Council Committee established pursuant to resolution 1572 (2004) in the conduct of its work, issued a note verbale to all Member States to that effect on 28 December 2007, and reflected the decision on its website.

29. During its informal consultations on 23 March, 5 June and 3 July 2007, the Committee considered the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997) in pursuance of the request of the Security Council contained in its resolution 1732 (2006) that all subsidiary organs of the Council take note of the recommendations and best practices contained in the report. In the course of its consideration of the report, the Committee reviewed a number of key recommendations contained in a non-paper prepared by the Secretariat.

30. During the reporting period, the Committee received two notifications pursuant to paragraphs 2 (a) and 4 and three notifications pursuant to paragraph 2 (c) of resolution 1596 (2005). On 25 January 2007, the Chairman of the Committee received a letter from the President of the Security Council concerning violations of Security Council resolutions on children and armed conflict in the Democratic Republic of the Congo.

31. In December 2007, the Committee received three requests for de-listing from the Focal Point for De-Listing which were submitted in accordance with paragraph 6 (b) of resolution 1730 (2006): Machanga Ltd., Uganda Commercial Impex Ltd., and Dieudonné Ozia Mazio Litsoa. The process of consideration of the three requests for de-listing will be completed in early January 2008.